

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6247

BILL NUMBER: HB 1093

NOTE PREPARED: Nov 21, 2004

BILL AMENDED:

SUBJECT: Personal Liability for Judges and Prosecutors.

FIRST AUTHOR: Rep. Dobis

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill allows the Governor to determine whether the state will pay damages or settlements in lawsuits filed against judges or prosecuting attorneys involving claims of politically motivated retaliation or civil rights violations.

Effective Date: July 1, 2005.

Explanation of State Expenditures: *Summary:* This bill may result in some reduction in tort payments by the state depending on the Governor's decisions. Under current law, the state pays all expenses incurred by a judge or prosecuting attorney when they are defendants in cases as a result of a decision they made or an action that they took as an officer of the court. Under this bill, the Governor would decide whether the state would pay any court-ordered payments resulting if a judge or prosecuting attorney had been determined in court to have either violated federal civil rights law or retaliated for political purposes.

Background Information: The Office of the Attorney General reports the amount of damages paid as a result of all tort claims submitted and tort claim lawsuits filed against the state and by plaintiffs in tort and civil rights litigation between CY 2000 and CY 2004 as follows:

<u>FY</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Damages Paid	\$8,198,937	\$6,611,210	\$3,312,183	\$5,573,483	\$4,735,016

The amount paid includes tort claims paid at the time of claim submission, settlements upon the filing of lawsuits, and settlements paid as a result of a court order. It also includes cases in both federal and state court.

Payments of settlements and judgements involving judges and prosecuting attorneys are not separately identified within this amount. Assuming that the amount paid for claims against judges and prosecuting attorneys remains constant each year, savings to the state General Fund would depend on the Governor's decision in each case. Since tort claim payments vary by year, no method is available to estimate the fiscal impact of the bill on state expenditures. It is estimated that the number of cases covered by this provision will be small.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Office of the Attorney General.

Local Agencies Affected:

Information Sources: Auditor of the State Account: 1000/500010 Tort Settlements & Judgements.

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